



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 12, 1985

E.I. DUPONT DE NEMOURS & CO
ATTN: GENERAL COUNSEL
LEGAL DEPARTMENT
WILMINGTON

DE 19898

Re: Scientific Chemical Processing, 411 Wilson Ave.
Newark, New Jersey

Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) has documented the release and threatened release of hazardous substances, pollutants and contaminants at the above-referenced site. The property upon which the subject facility is located is presently owned by Leif R. Sigmond and/or Dominick Presto.

This letter constitutes official notification to your corporation that EPA may conduct an Immediate Removal Action, as defined in the National Contingency Plan, 40 C.F.R. Part 300, at the Scientific Chemical Processing site. EPA has determined that such an Immediate Removal Action is necessary to prevent an immediate and significant risk of harm to human health and the environment, as defined at 40 C.F.R. §300.65(a).

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601 et seq., and other laws, parties responsible for the release or threatened release of hazardous substances into the environment from an uncontrolled hazardous waste site may be liable for all monies expended by the federal government to take necessary response actions at such facilities, including investigation, planning, removal, and remedial actions at these facilities; such parties may also be held liable for any enforcement costs incurred by the government.

Under CERCLA, responsible parties include the current and past owners and operators of a facility as well as persons who generated the hazardous substances or who were involved in the transport, treatment, or disposal of those substances at the site.

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EPA has in its possession information which indicates that your corporation may be a responsible party within the intent of CERCLA. This information includes hazardous waste manifests obtained from the New Jersey Department of Environmental Protection. Before the government undertakes necessary action at the site, we wish to know if your company will voluntarily perform the work required to abate any releases or threatened releases of hazardous substances, pollutants and contaminants from the site.

For your information, the Immediate Removal Action contemplated by EPA will include but will not be limited to the removal of all tanked liquids, drummed wastes, and otherwise containerized wastes present at the Scientific Chemical Processing facility and such proper disposal of those wastes as may be indicated upon analysis of the constituents of those wastes. Disposal of the wastes currently at the Scientific Chemical Processing facility may include removal of the wastes to a secure landfill, incineration, or other appropriate disposal methods. Liquids shown to be compatible by analysis will be bulked and disposed of properly.

EPA estimates that its total initial response action as summarized herein, will cost approximately \$3,275,000 (three million two hundred and seventy five thousand dollars).

In addition to the immediate removal steps outlined in this letter, EPA will also determine, at a subsequent time, whether additional corrective measures are required to mitigate the releases from the Scientific Chemical Processing site and to protect the public health, welfare and the environment.

EPA may proceed with this Immediate Removal Action unless your corporation notifies EPA by March 4, 1985 that your corporation intends to undertake the Immediate Removal Action and any other measures which may be necessary to achieve a total remedy at the SCP site.

EPA requests that you respond to this letter either:

1. by stating unambiguously that your corporation declines to perform or participate in the performance of a voluntary Immediate Removal Action ;

or

2. by stating unambiguously that your corporation will perform or participate in the performance of a voluntary Immediate Removal Action at the SCP facility by submitting the appropriate name, address, and telephone number of a representative of your corporation, with whom EPA may communicate to coordinate commencement of the removal work.

This reply should be sent to:

Janet C. Feldstein
Site Investigation & Compliance Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency - Region II
26 Federal Plaza
New York, New York 10278

If EPA has not received an affirmative response to this letter by March 4, 1985, EPA may perform the removal work by itself or may issue an unilateral order(s) for the performance of the removal work.

EPA anticipates a request by the recipients of this letter for additional information concerning the proposed activities at the subject facility. Accordingly, we have reserved a time and place for a conference among all recipients.. The conference will be held on Tuesday, February 26, 1985, beginning at 10 A.M., New York State Hearing Room, 44th floor, Two World Trade Center, New York, New York. Attendance at this conference will provide you with the opportunity to discuss with EPA your responsibility for addressing any problems at this site, and/or the terms of any order which EPA may issue. BE ADVISED THAT EPA DOES NOT CONTEMPLATE HOLDING ANY OTHER CONFERENCE RELATING TO THIS SITE OR TO WORK TO BE PERFORMED THERE, EVEN IF UNILATERAL ORDER(S) ARE SUBSEQUENTLY ISSUED.

Finally, by this letter, EPA is seeking to obtain certain information from your corporation. Under the provisions of Section 104 of CERCLA and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6927, as amended by the Solid Waste Disposal Act Amendments of 1980, EPA has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes and substances to furnish information related to such wastes and substances. Pursuant to these statutory provisions, you are hereby requested to answer the questions posed in the Attachment to this letter.

Your answers to these questions must be sent to EPA within fourteen (14) calendar days of your receipt of this letter. Failure to comply with this request may result in an order requiring compliance or an enforcement action under Section 3008 of RCRA, 42 U.S.C. Section 6928. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 (twenty-five thousand dollars) per day for continued non-compliance.

EPA regulations covering confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (40 CFR). For any portion of the information that is submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 CFR

§2.203(b). Information covered by such claim will be disclosed by EPA only to the extent, and by means of the procedures, specified in 40 CFR Part 2, Subpart B (40 CFR §2.201 et. seq.). EPA will construe the failure to furnish the confidentiality claim with your response to this letter to be a waiver of that claim, and the information may be made available to the public by EPA without further notice.

Your response to the request for information should be considered separate and distinct from that relating to voluntary cleanup activities at the site.

We have attached a list of the names and addresses of the companies to which this letter has been sent, so that communications can occur between them before the day of the conference. Should EPA learn by the time of the meeting of additional potentially responsible parties, you will be so advised on February 26, 1985.

I hope you will give these matters your immediate attention.

Sincerely yours,

A handwritten signature in cursive script, reading "William J. Librizzi".

William J. Librizzi, Director
Emergency and Remedial Response Division

Attachments

Information Requested

1. Were any hazardous substances and/or hazardous wastes and/or chemical wastes which your company transported, stored, generated, disposed of, or otherwise handled, subsequently handled by Scientific Chemical Processing, Inc., Presto, Inc., or the Energall Corp., located at 411 Wilson Avenue in Newark, New Jersey? If the answer is yes, please identify such hazardous substances and/or hazardous wastes and/or chemical wastes by providing the name, composition, and source of origin of such hazardous substances, hazardous wastes, or chemical wastes. (Please provide sampling analyses where available.)
2. Please indicate the amount and nature (liquid, solid, sludge), of each hazardous substance and/or hazardous waste and/or chemical waste identified in your answer to question one, above. For liquids your answer should be in terms of volume; for solid materials, in terms of weight.
3. Please explain how the hazardous substances and/or hazardous wastes and/or chemical wastes identified in your answer to question one, above were containerized, e.g. drums, bulk solids, tanks, etc., and the dates they were transported from your facility.
4. Please submit a copy of each manifest and any other document which relates to the generation, handling, transportation or disposal of hazardous substances and/or hazardous wastes and/or chemical wastes identified in your answer to question one, above. If you are unable, for any reason, to provide a copy of such document, identify the document by describing the nature of the document (e.g., letter, file memo, invoice, inventory form, etc.), describe the relevant information contained therein, identify by name and job title the person who prepared the document, and if the document is not readily available, identify where it is stored, maintained or why it is no longer available.
5. Were any hazardous substances and/or hazardous wastes and/or chemical wastes which your company transported, stored, generated, disposed of, or otherwise handled, subsequently handled by Scientific Chemical Processing, Inc., Presto, Inc. or the Energall Corporation, located at 216 Paterson Plank Road, Carlstadt, New Jersey? If the answer is yes, provide the information described in questions 1 to 4 for those hazardous substances. (If any of this information has previously been submitted to EPA Region II, you need not resubmit that information. You may simply refer to your prior response.
6. Please submit a copy of any lease, contract or other written agreement you entered into with Scientific Chemical Processing, Inc., Presto, Inc., or the Energall Corporation.

7. Please identify any person having knowledge of facts relating to the transportation to, or the treatment or disposal of hazardous substances and/or hazardous wastes and/or chemical wastes at the subject facility (411 Wilson Avenue, Newark, New Jersey) or the former Scientific Chemical Processing facility in Carlstadt, New Jersey.
8. Please identify any other person e.g., company, individual, partnership, etc., that you have reason to believe transported and/or disposed of hazardous substances and/or hazardous wastes and/or chemical wastes at the subject facility (411 Wilson Avenue, Newark, New Jersey).
9. Please identify any other person e.g., company, individual, partnership, etc., that you have reason to believe transported and/or disposed of hazardous substances and/or hazardous wastes and/or chemical wastes at the Scientific Chemical Processing facility located at 216 Paterson Plank Road in Carlstadt, New Jersey.